

The constitution was also amended for the purpose. In its October 17, 2015, judgement, Supreme Court struck down the new laws on NJAC on the ground of encroachment into judicial independence.

3. Once appointed, a judge of the Supreme Court can only be removed from office by the President, on the basis of a resolution passed by both the Houses of the Parliament with a majority of total membership and a majority of not less than two-thirds of the members present and voting in each house, on grounds of proved misbehaviour or incapacity of the judge in question.

Jurisdiction of the Supreme Court

The jurisdiction of the Supreme Court is five-fold, which is as follows:

1. *Original jurisdiction:* The original jurisdiction of the Supreme Court is purely federal in character, and it has exclusive authority to decide any dispute (a) between the centre and one or more states and (b) between two or more states
2. *Writ jurisdiction:* Article 32 confers jurisdiction on the Supreme Court to enforce the fundamental rights. The power to issue writs for enforcement of the fundamental rights is given by the constitution to the Supreme Court and High courts.
3. *Appellate jurisdiction:* Supreme Court is the highest court of appeal and its writs and decrees run throughout the country.
4. *Advisory jurisdiction:* Under Article 143 of the constitution, Supreme Court renders advice to the President on any matter of law or fact whenever he seeks such advice. However, the advice is not binding on the President.
5. *Revisory jurisdiction:* Supreme Court, under Article 137 is empowered to review any judgement or order made by it with a view to remove any mistake or error that might have crept in the judgement or order.

Supreme Court and Power of Judicial Review

Supreme Court has been vested with the power of judicial review. Judicial review can be defined as the competence of a court of law to declare the constitutionality or otherwise of a legislative enactment. It can ensure that the laws passed by the legislature and the orders issued by the Executive do not contravene any provision of the constitution. If they go against any provision of the constitution, it can declare them unconstitutional or null and void.

HIGH COURT

The judiciary in states consists of a High Court and subordinate courts. The Parliament can, however, establish by law, a common High Court for two or more such states, or for one or more state and one or more union territories.

Appointment of Judges

Every High Court shall consist of a Chief Justice and such other judges as the President may appoint from time to time. As in the case of Supreme Court, there is no fixed maximum number of judges of a High Court. The decision is left on to the President.

The President has the power to appoint: (i) additional judges for a temporary period, not exceeding two years to clear pending cases or (ii) an acting judge, when the permanent judge of a High Court is temporarily absent or unable to perform his duties.

Qualifications

To qualify for appointment as a judge of the High Court, a person:

1. Must be a citizen of India
2. Should have been an advocate of a High Court or two or more such courts in succession for at least 10 years or
3. Should have held a judicial office in Indian territory for a period of at least 10 years

case of a bicameral legislature, the procedure is slightly different from that of the Parliament. If the Vidhan Sabha rejects a bill which originated in the Vidhan Parishad, then that is the end of the bill. In case of money bills, the procedure followed is exactly similar to that of the Parliament.

FINANCE COMMISSION

The Finance Commission is set up under Article 280 of the constitution. It is constituted by the President, once in every five years. Its main function is to recommend about the (i) distribution of financial resources between the centre and the states and also among the states themselves, (ii) the principles which govern the grants-in-aid of the revenues amongst the states out of the consolidated fund of India.

SUPREME COURT

India opted for a unified and single judiciary and a single integrated system of courts for the union as well as the states, though it has opted for a federal system. Supreme Court stands at the apex of the judicial system of India. It consists of a chief justice and 25 other judges. The Supreme Court normally sits at New Delhi.

Appointment

Chief justice of the Supreme Court is appointed by the President in consultation with other judges of the Supreme Court and High Courts, as he may deem necessary for the purpose. The other judges of the Supreme Court are appointed by the President in consultation with the Chief Justice.

Qualification of a Judge

A person, in order to be qualified for appointment as a judge of the Supreme Court must:

1. Be a citizen of India.
2. Have been a judge of the High Court or two or more such courts in succession for at least five years or

3. Have been an advocate of a high court or two or more such courts in succession for at least 10 years or
4. A distinguished jurist in the opinion of the President.

Tenure

A judge of the Supreme Court vacates his office on attaining 65 years of age or by resignation addressed to the President or on removal by the President upon a resolution passed by both the Houses of the Parliament, supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members present and voting on grounds of proved misbehaviour or incapacity.

Independence of Supreme Court Judges

The constitution has made provisions to ensure independence of the judges. Some of these provisions are as follows:

1. The salaries and allowances of judges are charged on the consolidated fund of India; thus, they are not subject to a vote of Parliament. Moreover, the salaries and other service conditions of judges cannot be changed to their disadvantage during their tenure.
2. The Constitution's Articles 124 and 217 dealt with the appointment of judges of the higher judiciary. According to these articles, judges could be appointed by the President of India after consulting the chief justice of India (CJI) and other judges.

The present system for appointment of judges that was adopted in 1993 is also called as Collegium system.

Note: The Government sought to replace the system with National Judicial Appointments Commission (NJAC) that proposes a transparent and broad-based process of selection of judges of the Supreme Court and High Courts. They were to be selected by the commission whose members were drawn from the judiciary, legislature, and civil society for future appointment of judges.